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Attorneys for Plaintiff
CHUBB CUSTOM INSURANCE COMPANY

**UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF CALIFORNIA**

CHUBB CUSTOM INSURANCE) CASE NO. 08-CV1074 BTM (CAB)
COMPANY, a Delaware corporation)
Plaintiff,) **RESPONSE TO ORDER TO SHOW
CAUSE**
vs.)
THE ALLEN EARLEY 1998 FAMILY)
TRUST, a California trust; ALLEN EARLEY)
PLANTERS PROJECT, LP, a California)
Limited Partnership, and DOES 1 through 10,)
inclusive,)
Defendants.)
)

Plaintiff CHUBB CUSTOM INSURANCE COMPANY (“Chubb Custom”) submits the following response to this Court’s July 9, 2008, Order to Show Cause:

Citizenship of the Parties:

Plaintiff Chubb Custom is a corporation incorporated under the laws of the state of Delaware, with its principal place of business in New Jersey. It is, therefore, a citizen of New

1 Jersey and of Delaware. Chubb Custom is the sole plaintiff. (See, Paragraph 1 of the
2 Complaint.)

3 Defendant the Allen Earley 1998 Family Trust, is a trust established under California
4 law. The trust, and its sole trustee Perry Allen Earley, are domiciled in California, and are
5 residents of California. This defendant is a citizen of California. (See, Paragraph 2 of the
6 Complaint.)

7 Defendant Allen Earley Planters Project, L.P., is a limited partnership established under
8 the laws of the State of California, with its principal place of business in Imperial County,
9 California. (See, Paragraph 3 of the Complaint.) It is a California resident and is a citizen of
10 California. According to the records of the State of California, its address is 725 South Coast
11 Highway 101, Encinitas, California 92024. According to public records, its sole general
12 partner is the Allen Earley 1998 Family Trust. Its agent for service of process is James
13 Schmid, whose current business address is 5993 Avenida Encinas, Suite 101, Carlsbad,
14 California 92008.

15 There is, therefore, complete diversity of citizenship between the parties pursuant to 28
16 U.S.C. 1332(a)(1).

Amount in Controversy

18 The amount in controversy is the full amount of the insurance policy attached as Exhibit
19 A to the Complaint – i.e. \$3,000,000 for property damage and an additional \$100,000 for rental
20 value. (See, Exhibit A to the Complaint.)

22 Dated: July 14, 2008 SELTZER CAPLAN McMAHON VITEK
23 A Law Corporation

By: /S/Elizabeth Smith-Chavez
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**UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF CALIFORNIA**

CHUBB CUSTOM INSURANCE) CASE NO. 08-CV1074 BTM (CAB)
COMPANY, a Delaware corporation)

Plaintiff,) AFFIDAVIT OF SERVICE

VS

THE ALLEN EARLEY 1998 FAMILY
TRUST, a California trust; ALLEN EARLEY
PLANTERS PROJECT, LP, a California
Limited Partnership, and DOES 1 through 10,
inclusive.

Defendants.

I, the undersigned declare under penalty of perjury of the laws of the United States that I am over the age of eighteen years and not a party to this action, that on July 15, 2008, I served the following documents: **RESPONSE TO ORDER TO SHOW CAUSE** on the below named person(s) by electronically filing and serving the above-documents in pdf format with the Electronic Case Management System, for each addressee named below.:

1 Peter C. Ward, Esq.
2 Ralph W. Peters, Esq.
3 Ward & Hagen LLP
4 440 Stevens Avenue, Suite 350
5 Solana Beach, California 92075
6 Telephone: 858-847-0505
7 Facsimile: 858-847-0105

8 Executed on July 15, 2008, at San Diego, California.

9 
10 Sandie Crenshaw